

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROSHANAK ROSHANDEL, et al., individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

MICHAEL CHERTOFF, et al.,

Defendants.

No. C07-1739 MJP

**STIPULATED ORDER
REGARDING
CONFIDENTIALITY OF
DISCOVERY MATERIAL**

STIPULATION

The parties hereby stipulate that certain discovery material be treated as confidential and respectfully request that the Court enter an Order as follows:

1. Designation of Discovery Materials as Confidential. All documents produced in the course of discovery, all answers to interrogatories, all answers to requests for admission, all responses to requests for production of documents, and all deposition testimony and deposition exhibits shall be subject to this Order concerning confidential information, as set forth below:

(a) The designation of confidential information shall be made by placing or affixing on the document, in a manner which will not interfere with its legibility, the word "CONFIDENTIAL." One who provides material may designate it as confidential only when

1 such person in good faith believes it contains sensitive personal information, trade secrets or
2 other confidential research, development, or commercial information. Except for documents
3 produced for inspection at the party's facilities, the designation of confidential information shall
4 be made prior to, or contemporaneously with, the production or disclosure of that information. In
5 the event that documents are produced for inspection at the party's facilities, such documents
6 may be produced for inspection before being marked confidential. Once specific documents
7 have been designated for copying, any documents containing confidential information will then
8 be marked confidential after copying but before delivery to the party who inspected and
9 designated the documents. There will be no waiver of confidentiality by the inspection of
10 confidential documents before they are copied and marked confidential pursuant to this
11 procedure.
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14 (b) Portions of depositions of a party's present and former officers, directors, employees,
15 agents, experts, and representatives shall be deemed confidential only if they are designated as
16 such when the deposition is taken or within ten (10) business days after receipt of the transcript.
17 Any testimony which describes a document which has been designated as "CONFIDENTIAL",
18 as described above, shall also be deemed to be designated as "CONFIDENTIAL".
19

20 (c) Information or documents designated as confidential under this Order shall not be
21 used or disclosed by the parties or counsel for the parties or any persons identified in
22 subparagraph (d) below for any purposes whatsoever other than preparing for and conducting the
23 litigation in which the information or documents were disclosed (including appeals).
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1 (d) The parties and counsel for the parties shall not disclose or permit the disclosure of
2 any documents or information designated as confidential under this Order to any other person or
3 entity, except that disclosures may be made in the following circumstances:

4 (i) Disclosure may be made to counsel and employees of counsel for the parties
5 who have direct functional responsibility for the preparation and trial of the lawsuit. Any such
6 employee to whom counsel for the parties makes a disclosure shall be provided with a copy of,
7 and become subject to, the provisions of this Order requiring that the documents and information
8 be held in confidence.

9 (ii) Disclosure may be made only to employees of a party required in good faith
10 to provide assistance in the conduct of the litigation in which the information was disclosed.

11 (iii) Disclosure may be made to court reporters engaged for depositions and those
12 persons, if any, specifically engaged for the limited purpose of making photocopies of
13 documents. Prior to disclosure to any such court reporter or person engaged in making
14 photocopies of documents, such person must agree to be bound by the terms of this Order.

15 (iv) Disclosure may be made to consultants, investigators, or experts (hereinafter
16 referred to collectively as "experts") employed by the parties or counsel for the parties to assist in
17 the preparation and trial of the lawsuit. Prior to disclosure to any expert, the expert must be
18 informed of and agree in writing to be subject to the provisions of this Order requiring that the
19 documents and information be held in confidence.

20 (e) Except as provided in subparagraph (d) above, counsel for the parties shall keep all
21 documents designated as confidential which are received under this Order secure within their
22 exclusive possession and shall take reasonable efforts to place such documents in a secure area.

1 (f) All copies, duplicates, extracts, summaries, or descriptions (hereinafter referred to
2 collectively as "copies") of documents or information designated as confidential under this Order
3 or any portion thereof, shall be immediately affixed with the word "CONFIDENTIAL" if that
4 word does not already appear.

5
6 2. Confidential Information Filed with Court. To the extent that any materials subject to
7 this Confidentiality Order (or any pleading, motion or memorandum referring to them) are
8 proposed to be filed or are filed with the Court, those materials and papers, or any portion thereof
9 which discloses confidential information, shall be filed under seal (by the filing party) with the
10 Clerk of the Court in an envelope marked "SEALED PURSUANT TO COURT ORDER."

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12 3. Party Seeking Greater Protection Must Obtain Further Order. No information may be
13 withheld from discovery on the ground that the material to be disclosed requires protection
14 greater than that afforded by paragraph 1 of this Order unless the party claiming a need for
15 greater protection moves for an order providing such special protection pursuant to Fed. R. Civ.
16 P. 26(c).

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18 4. Challenging Designation of Confidentiality. A designation of confidentiality may be
19 challenged upon motion. The burden of proving the confidentiality of designated information
20 remains with the party asserting such confidentiality.

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22 5. Return of Confidential Material at Conclusion of Litigation. At the conclusion of the
23 litigation, all material treated as confidential under this Order and not received in evidence shall
24 be returned to the originating party. If the parties so stipulate, the material may be destroyed
25 instead of being returned. The Clerk of the Court may return to counsel for the parties, or
26 destroy, any sealed material at the end of the litigation, including any appeals.

1 DATED June 13, 2008

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ORDER

IT IS SO ORDERED this ____ day of _____, 2008

Hon. Marsha J. Pechman
United States District Judge